

E2SHB 2709 - S COMM AMD

By Committee on Agriculture & Rural Economic Development

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.335
4 RCW to read as follows:

5 (1) The legislature finds that the benefits of school district
6 procurement of locally grown foods include environmental protection,
7 local economic development, improved child nutrition, and food
8 security. Purchasing locally grown foods:

9 (a) Reduces the distance and changes the manner in which food
10 travels from producer to consumer, which conserves energy, decreases
11 greenhouse gas emissions, and decreases reliance on oil;

12 (b) Expands market opportunities for local farmers, which preserves
13 and strengthens food production and increases the already significant
14 contribution that agriculture makes to local and state economies;

15 (c) Contributes to the health and development of school children,
16 which bolsters their ability to achieve educational goals; and

17 (d) Reduces reliance on nonlocally grown foods, which increases
18 food access and safety.

19 (2) With this act, the legislature provides school districts the
20 authority to consider the distance food travels from the point of
21 production to the point of consumption when making food procurement
22 decisions.

23 **Sec. 2.** RCW 28A.335.190 and 2005 c 346 s 2 and 2005 c 286 s 1 are
24 each reenacted and amended to read as follows:

25 (1) When, in the opinion of the board of directors of any school
26 district, the cost of any furniture, supplies, equipment, building,
27 improvements, or repairs, or other work or purchases, except books,
28 will equal or exceed the sum of fifty thousand dollars, complete plans
29 and specifications for such work or purchases shall be prepared and

1 notice by publication given in at least one newspaper of general
2 circulation within the district, once each week for two consecutive
3 weeks, of the intention to receive bids and that specifications and
4 other information may be examined at the office of the board or any
5 other officially designated location: PROVIDED, That the board without
6 giving such notice may make improvements or repairs to the property of
7 the district through the shop and repair department of such district
8 when the total of such improvements or repair does not exceed the sum
9 of forty thousand dollars. The cost of any public work, improvement or
10 repair for the purposes of this section shall be the aggregate of all
11 amounts to be paid for labor, material, and equipment on one continuous
12 or interrelated project where work is to be performed simultaneously or
13 in close sequence. The bids shall be in writing and shall be opened
14 and read in public on the date and in the place named in the notice and
15 after being opened shall be filed for public inspection.

16 (2) Every purchase of furniture, equipment or supplies, except
17 books, the cost of which is estimated to be in excess of forty thousand
18 dollars, shall be on a competitive basis. The board of directors shall
19 establish a procedure for securing telephone and/or written quotations
20 for such purchases. Whenever the estimated cost is from forty thousand
21 dollars up to seventy-five thousand dollars, the procedure shall
22 require quotations from at least three different sources to be obtained
23 in writing or by telephone, and recorded for public perusal. Whenever
24 the estimated cost is in excess of seventy-five thousand dollars, the
25 public bidding process provided in subsection (1) of this section shall
26 be followed.

27 (3) Any school district may purchase goods produced or provided in
28 whole or in part from class II inmate work programs operated by the
29 department of corrections pursuant to RCW 72.09.100, including but not
30 limited to furniture, equipment, or supplies. School districts are
31 encouraged to set as a target to contract, beginning after June 30,
32 2006, to purchase up to one percent of the total goods required by the
33 school districts each year, goods produced or provided in whole or in
34 part from class II inmate work programs operated by the department of
35 corrections.

36 (4) Every building, improvement, repair or other public works
37 project, the cost of which is estimated to be in excess of forty
38 thousand dollars, shall be on a competitive bid process. Whenever the

1 estimated cost of a public works project is one hundred thousand
2 dollars or more, the public bidding process provided in subsection (1)
3 of this section shall be followed unless the contract is let using the
4 small works roster process in RCW 39.04.155 or under any other
5 procedure authorized for school districts. One or more school
6 districts may authorize an educational service district to establish
7 and operate a small works roster for the school district under the
8 provisions of RCW 39.04.155.

9 (5) The contract for the work or purchase shall be awarded to the
10 lowest responsible bidder as defined in RCW 43.19.1911 but the board
11 may by resolution reject any and all bids and make further calls for
12 bids in the same manner as the original call. On any work or purchase
13 the board shall provide bidding information to any qualified bidder or
14 the bidder's agent, requesting it in person.

15 (6) In the event of any emergency when the public interest or
16 property of the district would suffer material injury or damage by
17 delay, upon resolution of the board declaring the existence of such an
18 emergency and reciting the facts constituting the same, the board may
19 waive the requirements of this section with reference to any purchase
20 or contract: PROVIDED, That an "emergency", for the purposes of this
21 section, means a condition likely to result in immediate physical
22 injury to persons or to property of the school district in the absence
23 of prompt remedial action.

24 (7) This section does not apply to the direct purchase of school
25 buses by school districts and educational services in accordance with
26 RCW 28A.160.195.

27 (8) This section does not apply to the purchase of Washington grown
28 food.

29 (9) At the discretion of the board, a school district may develop
30 and implement policies and procedures to facilitate and maximize to the
31 extent practicable, purchases of Washington grown food including, but
32 not limited to, policies that permit a percentage price preference of
33 up to twenty-five percent for the purpose of procuring Washington grown
34 food.

35 (10) The definitions in this subsection apply throughout this
36 section.

37 (a) "Percentage price preference" means the percent by which a

1 responsive bid from a responsible bidder whose product is a Washington
2 grown food may exceed the lowest responsive bid submitted by a
3 responsible bidder whose product is not a Washington grown food.

4 (b) "Washington grown" means grown and packed or processed in
5 Washington.

6 (11) This section does not apply to procurement of food by a school
7 if it is determined that compliance with this section would:

8 (a) Cause denial of federal moneys; or

9 (b) Be inconsistent with the requirements of federal law.

10 NEW SECTION. Sec. 3. (1) The Washington heritage livestock and
11 poultry breed recognition program is created in the department of
12 archaeology and historic preservation. The purpose is to establish a
13 nonregulatory incentive-based program to provide: (a) Recognition to
14 owners of heritage livestock and poultry; (b) increased awareness to
15 the public and to students of the history of the domesticated animals;
16 (c) an expanded market to encourage the continued production of these
17 locally grown agricultural products; and (d) items of special interest
18 to students that could, as appropriate, be served in school lunch
19 programs that have both nutritious and educational value.

20 (2) The director of the department shall establish the heritage
21 livestock and poultry breed recognition program. To apply for
22 recognition, an animal owner may submit an application form to the
23 department that includes the breed of the livestock or poultry, photos
24 of the animals, a brief history of the livestock or poultry breed
25 including the breed's origin, and its interesting and unique
26 characteristics. The department may use as a general guide for the
27 recognition program, the species of livestock and poultry that are
28 designated as "critical," "threatened," or "watch" on the conservation
29 priority list established by the American livestock breeds conservancy.
30 Persons owning livestock or poultry of breeds not included on these
31 lists may submit supplemental information regarding the breed's status
32 as a rare or diminishing breed for consideration by the department for
33 possible designation as a heritage livestock breed.

34 (3) The department shall: (a) Periodically issue recognition
35 awards to the owners of the animals designated under subsection (2) of
36 this section; and (b) maintain a web site that includes pictures and a
37 short description of animals on the heritage livestock breed registry.

1 (4) This section expires July 1, 2010."

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2 On page 1, line 1 of the title, after "foods;" strike the remainder
3 of the title and insert "reenacting and amending RCW 28A.335.190;
4 adding a new section to chapter 28A.335 RCW; creating a new section;
5 and providing an expiration date."

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